

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/362,693	07/29/1999	RANDELL L. MILLS	62-226-9A	7170
20736	7590 09/06/2005		EXAMINER	
MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700			KALAFUT, STEPHEN J	
WASHINGTON, DC 20036-3307			ART UNIT	PAPER NUMBER
			1745	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Stephen J. Kalafut 1745 1745 1746 1		Application No.	Applicant(s)				
Stephen J. Kalafut 1745 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAIL MIND DATE OF THIS COMMUNICATION. Fortraitors of time may be available under the provisions of 37 CPR 11360). In or event, however, may a rayly be timely fled state St. (9, MONTHS tone the mining date of dis communication. MONTHS from the mining date of discounts and the mining date of discounts a		09/362,693	MILLS, RANDELL L.				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Edestons the imagine variable under the proteins of 3 CFR 1.1880, in corest, hower, may nety be trainly filled. Enter the specifical above, the maximum statistics period will apply and will expire SIX (9) MONTHS from the mailing date of this communication. Fallive to prove which the set of excended period for high vib, p statistic, carried will apply and will expire SIX (9) MONTHS from the mailing date of this communication. Fallive to prove which the set of set of CR 1.7840. Fallive to prove which the set of set of CR 1.7840. Status 1) □ Responsive to communication(s) filled on 12 June 2005. 2a) □ This action is FINAL. 2b □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 102-205 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) □ Claim(s) is/are allowed. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are rejected to. 8) □ Claim(s) is/are rejected to. 8) □ Claim(s) is/are rejected to. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a□ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a□ accepted or bi□ objected to by the Examiner. 20) □ The specification is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 11 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 11 □ Certified copies of the p	Office Action Summary	Examiner	Art Unit				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MALLING DATE OF THIS COMMUNICATION. ***********************************		Stephen J. Kalafut	1745				
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Estandars of the may be arealized under the provides of 37 CFR 1.13(a). In ac event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - Failure to reply which the set or estanded printed from yell very but by the six one be application to become ARANDONEO. 23 U. S. C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may roduce any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may roduce any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may roduce any rearred produces any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may roduce any rearred produces any reply received by the Office later than the mailing date of this communication, even if timely filed, may roduce any rearred produces any reply received by the Office and the communication of th							
1) Responsive to communication(s) filed on 17 June 2005. 2a) This action is FINAL. 2b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 102-205 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are objected to. 8] Claim(s) is/are objected to. 8] Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06) 5) Notice of Information Patent Application (PTO-152) 6) Other:	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
2a) This action is FINAL. 2b This action is non-final.	Status						
2a) This action is FINAL. 2b This action is non-final.	1) Responsive to communication(s) filed on 17	June 2005.					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 102-205 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Pafsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Orafsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 6) Other: 5) Notice of Orafsperson's Patent Drawing Review (PTO-948) 6) Other: 6) Other: 7) Pager Nots/Mail Date 17. June 2003.							
Disposition of Claims 4)		•	osecution as to the merits is				
4)	closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1 □ Certified copies of the priority documents have been received. 2 □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of Preferences Cited (PTO-892) 2) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Notice of Informal Patent Application (PTO-152) 6) □ Other:	Disposition of Claims						
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1 □ Certified copies of the priority documents have been received. 2 □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of Preferences Cited (PTO-892) 2) □ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) □ Notice of Informal Patent Application (PTO-152) 6) □ Other:	4) Claim(s) 102-205 is/are pending in the applic	cation.					
5	· · · · · · · · · · · · · · · · · · ·						
6) Claim(s) 102-205 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1.							
7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 1) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 5) ☐ Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 6) ☐ Other:	<u> </u>						
8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date. 6) Other: 1. Notice of Informal Patent Application (PTO-152) 8) Notice of Informal Patent Application (PTO-152) 9) Notice of Informal Patent Application (PTO-152) 1) Notice of Informal Patent Application (PTO-152) 1) Other:	· · · · · · · · · · · · · · · · · · ·						
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Traftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) ☐ Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 5) ☐ Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 5) ☐ Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date	1	· ·					
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 17. June 2005.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Paftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17. June 2005. U.S. Petent and Trademark Office U.S. Petent and Trademark Office	Application Papers						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date 17. June 2005. 1) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 17. June 2005. 1) Notice of Informal Patent Application (PTO-152) Copies of Informal Patent Application (PTO-152)	9) The specification is objected to by the Examiner.						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date 17. June 2005. U.S. Patent and Trademark Office	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Draftsperson's Patent Drawing Review (PTO-948) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17. June 2005. 5) Notice of Informal Patent Application (PTO-152) 6) Other:	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some collaboration None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17. June 2005. U.S. Patent and Trademark Office	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office	Priority under 35 U.S.C. § 119						
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office	a) All b) Some * c) None of:						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office	1. Certified copies of the priority documents have been received.						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office	2. Certified copies of the priority docume	nts have been received in Applicat	ion No				
* See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office	3. Copies of the certified copies of the priority documents have been received in this National Stage						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office	application from the International Bure	application from the International Bureau (PCT Rule 17.2(a)).					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office 4) Interview Summary (PTO-413) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152) 6) Other:	* See the attached detailed Office action for a list of the certified copies not received.						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office 4) Interview Summary (PTO-413) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152) 6) Other:							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office 4) Interview Summary (PTO-413) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152) 6) Other:							
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152) Other:	Attachment(s)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 17 June 2005. U.S. Patent and Trademark Office		4) Interview Summary	(PTO-413)				
Paper No(s)/Mail Date <u>17 June 2005</u> . 6) Other: U.S. Patent and Trademark Office	2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
U.S. Patent and Trademark Office		·, —	ratent Application (PTO-152)				
	U.S. Patent and Trademark Office		art of Paper No./Mail Date 20050830				



Art Unit: 1745

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 June 2005 has been entered.

Claims 102-205, for reasons of record, are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. See paper nos. 3 and 10.

Claims 102-205 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. See paper nos. 3 and 10.

Applicant's arguments filed 17 June 2005 have been fully considered but they are not persuasive.

Applicant argues (page 21) that the office has not identified a single physical law which has been violated. The alleged transition of hydrogen to a state lower than the principal quantum number equaling 1 (the "ground state") would be such a violation, because the "ground state" is the minimum amount of energy which can be exhibited by the electron of a hydrogen atom. This is shown by Krieg, cited in paper no. 30. Applicant's alleged "new ground state", where the orbital speed of the electron is limited by the speed of light, is based on Lorenz contraction,

Art Unit: 1745

which can only occur in an inertial reference, *i.e.*, one which is not accelerating. An electron moving around an atomic nucleus, even if orbiting at a constant speed, is changing direction, and is therefore changing velocity, and thus undergoing acceleration. (Since velocity is a vector quantity, a change to either its magnitude or to its direction constitutes acceleration.)

Applicant argues (page 21) that the "Committee" has not found fault with his data on "legitimate scientific grounds", but has only nitpicked on "theoretical grounds". This is not persuasive because theoretical grounds are not distinct from scientific grounds, but are a subset thereof, since theory is an aspect of science.

Applicant argues (page 22) that he does not need to understand the theoretical basis for his invention. This does not mean that an applicant is free to put forth any theory he wishes.

Any theory alleged by an applicant (not just the present applicant, but *any* applicant) has to make sense according to accepted scientific principles.

Applicant argues (starting on page 58) that independent third parties have generated data supporting his alleged lower states of hydrogen. This is not persuasive for reasons set forth in the attached Appendix, pages 1-13. Moreover, some of the articles cited in the IDS not only do not support applicant's theory, but also find drawbacks to it. For example, Cvetanovic *et al.* (cited on page 4 of the IDS of 17 June 2005), on page 7, list several "experimental facts" which cannot be explained by applicant's alleged mechanism for Balmer line broadening, called the "resonance transfer model", abbreviated as "RTM". The article entitled "Attempt to Observe Excess Heat in a Ni-H₂O-K₂CO₃ Electrolysis System" (cited on page 12 of the IDS) concluded with "Our Mills experiment showed no detectable sign of excess heat." Rathke, in "A Critical Analysis of the Hydrino Model" (cited on page 12 of the IDS), finds applicant's theory ("CQM")

Art Unit: 1745

"mathematically inconsistent in several points" (page 5, first full ppg.), and recommends that "experimental evidence put forth in favor of the existence of hydrinos should be reconsidered for interpretation in terms of conventional physics" (page 6, just above the footnotes). According top Barth, in "Bigger Than Fire?" (cited on page 11 of the IDS), applicant overlooks the electromagnetic attraction between the nucleus and the electron, and does not use Planck's constant (starting at page 42, right column).

Applicant alleges a conflict of interest on the part of Dr. Bernard Souw, who has authored Appendices, and has been consulted during the examination of the present application, since Dr. Souw's consulting firm, BMS, would be a competitor of applicant's company, Blacklight.

Applicant only shows that BMS has done consulting work in two fields in which applicant believes his invention to be applicable. However, these fields are microwave plasmas and CVD analysis, which do not necessarily require the use of hydrinos, while applicant's invention (in the present application) deal with methods of making compounds that include hydrinos, which do not use microwave plasmas or CVD. Even if these were competing fields, Dr. Souw would have the option of either withdrawing from working on the present application, or refraining from working on the competing subject matter outside of the PTO.

Applicant argues (page 124) that the "Secret Committee" has ignored "most of Applicant's scientific evidence." In paper no. 40, pages 4 and 5, the office has identified the differences in the energy levels predicted by applicant's theory, and found that they do not correspond to some of the values shown by applicant's experiment. Neither pointing out this inconsistency, nor being unpersuaded by the evidence constitutes an act of ignoring the evidence. While applicant argues that there is no requirement that each catalyst exhibit all of the possible

Art Unit: 1745

lower energy states, the data accounts for some energy transitions that are not predicted at all by applicant's own formula.

Applicant argues (pages 129-130) that the Examiner's calculations do not take into account the catalyst enthalpy. This is not persuasive because in order for a certain level of energy to be transferred from one species to another, both must be able to accommodate, either giving or receiving, that particular amount. The hydrogen atom, as postulated by applicant, can only release energy in certain amounts, expressed as values of "q", some of which do not correspond to the data offered by applicant.

Applicant argues (page 126) that many of his cited articles "have in fact passed the peer-review process" (emphasis applicant's). The fact that some may have passed this process does not nullify the fact that others have not. The failure to pass or undergo peer review is only one reason why applicant's evidence is unpersuasive.

Applicant insists (page 161) that attachments A through R relate to issues relate directly to issues involving the improper examination of this application and the defective nature of the rejections issued in this case. None of these attachments contain data relating to the scientific merits of the present invention. Applicant has made numerous references to a Dr. Robert Park, whom he alleges to have had contact with a "Deep Throat" in the Office (page 31), and to have had "direct involvement in Blacklight's patent affairs" (page 32), "Blacklight" being the name of applicant's business. While applicant argues (page 24) that "the PTO rationalized its withdrawal of Blacklight's five allowed patent applications, in part, by citing a January 12, 2000 article written by Dr. Robert Park", citing a published article hardly constitutes contact with the author. The reference to the present applicant in the article does mean that Dr. Park had obtained

Art Unit: 1745

confidential information from the Office, because applicant published an edition of his book, *The Grand Unified Theory Of Classical Quantum Mechanics*, in January 2000. While applicant argues (page 32) that Dr. Park knew about several of applicant's applications, the knowledge of which "is supposedly kept confidential", the Washington Post article by Dr. Park which refers to applicant's patent and a second application set to issue two weeks thereafter was published on 18 August 2000, which was three days after the publication of the U. S. District Court decision (part of Attachment K) which referred in which these applications were mentioned (page 1 thererof). Thus, both articles written by Dr. Park appear to be based on information that was already public at the two respective times that the articles were published. No "Deep Throat" or other improper contact would have been necessary.

Regarding the attachments 108-112, submitted with the IDS of 09 June 2005:

Attachments 108, 109, 111 and 112 would fall into category (1), as set out in paper no. 20040516, because they have not been peer reviewed.

Attachment 112 would fall into category (4), because they contain data which cannot be accounted for by applicant's theory.

Attachments 108-111 would fall into category (5), because they speculate hydrino formation as an explanation for data not necessarily caused thereby.

Attachments 58, 60, 77, 80, 81, 88, 94, 96-98, 100, and 102-107 are already of record and have been addressed in previous office actions.

Regarding applicant's arguments concerning the Appendix attached to paper no. 20040516, please see the Appendix attached to the present office action.

Art Unit: 1745

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Kalafut whose telephone number is 571-272-1286. The examiner can normally be reached on Mon-Fri 8:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1745

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sjk

STEPHEN KALAFUT PRIMARY EXAMINER

ENCUP 1716